

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUILDERS ASSOCIATION OF )  
METROPOLITAN PITTSBURGH and )  
S. RAND WERRIN, )  
Plaintiffs, ) Civil Action No. 2:22-CV-00706-  
v. ) RJC  
CITY OF PITTSBURGH )  
Defendant. )

**AFFIDAVIT OF TODD E. REIDBORD**

I, Todd E. Reidbord, being duly sworn, make this Affidavit on the basis of my personal knowledge and state as follows:

1. I am a resident of Allegheny County and am above the age of 18 years old.
2. I am the President of Walnut Capital Management, Inc.
3. Walnut Capital Management, Inc. is a member of the Builders Association of Metropolitan Pittsburgh (“BAMP”).
4. I am the President of Walnut Capital-McKee Management, Inc., which is the General Partner of Walnut Capital-McKee, L.P. (“Walnut McKee”).
5. Walnut McKee is also a member of BAMP.
6. Walnut McKee is currently constructing a 160 unit, 12 story student housing structure on the property better known as 242 McKee Place, Pittsburgh, Pennsylvania (the “Property”).
7. Walnut McKee was able to achieve this height and density by virtue of various “bonus points” which the project was designed to meet. Notably, Walnut McKee did not require any “affordable housing” bonus points in order to erect its improvements on the Property.



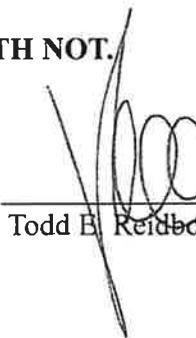
8. On May 9, 2025, the City of Pittsburgh informed representatives of Walnut McKee that the City would not issue the City's Record of Zoning Approval, which allowed Walnut McKee to continue its active construction on the Property, unless Walnut McKee agreed to comply with the City's Inclusionary Zoning Ordinance and place a Restrictive Covenant against the Property.

9. The City's improper imposition of these conditions on the project constitutes a taking under the law, and significantly impacts the construction, financing, leasing and viability of the active construction project.

10. Walnut McKee will be immediately and irreparably harmed by the illegal and improper imposition of these conditions.

I declare under penalty of perjury that the foregoing is true and correct.

**FURTHER AFFIANT SAYETH NOT.**

  
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Todd B. Reidbord, President

SWORN TO and subscribed to  
Before me this 25 day of July, 2025

Donna J. Hirschfield  
Notary Public  
My Commission Expires:

